

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

JOHN J. POTENZA

Docket No. SE001Upct

Serial No. PCT/US02/101304

Filed: April 11, 2001

For: AUTOMATED SURVEY AND
REPORT SYSTEM

Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

GROUP ART UNIT: 3629

Examiner: DEAN T. NGUYEN



DECLARATION UNDER 37 C.F.R. § 401.15

I, TODD F. SEIPLE, hereby state as follows:

1. I have a Bachelor of Arts degree, Chemistry from Bucknell University; a Master of Science, Chemistry, and a Master of Business Administration, Dual Major: Finance/Marketing, from the University of Tennessee;

2. I am currently Executive Vice President of Qualistics, Inc., a company dedicated to providing web-hosted software solutions that empower companies to create customer loyalty through the surveys of customer acceptance of products and service. Qualistics' systems collect, analyze, and integrate customer satisfaction data from multiple channels, determine the best corrective actions, and continuously monitor the results. Clients use the system to retain customers and create long-lasting customer loyalty.

3. My recent work history includes a total of 8 years in the development of computer based management tools, including the creation of web-based business software to improve IT support functions for various nationwide product vendors including project design and data analysis support. I managed a program which developed and implemented computer based strategic business initiatives, set operational and sales performance targets for inbound sales channels, created capital and expense budgets to support revenue production, and managed the IT system design for operational and financial reporting capabilities for BellSouth. I developed computer based profit and loss reports for 18 Small Business profit centers, providing a level of management detail that was previously unavailable. I was responsible for managing staffing requirements and routing call flows for 18 call centers throughout BellSouth's nine-state region. I was site leader for the regional implementation and testing of a new automatic call distributor and force management system, creating and implementing standardized regional reports for call center metrics. I implemented new call-routing methodologies that improved customer care and increased operational efficiencies.

4. I have reviewed U. S. Patent No. 6,189,029 B1 to Fuerst. Fuerst discloses a method of creating surveys scripts using web-based tools. Fuerst discloses the assignment of identification numbers to a survey to restrict access of unauthorized parties to the survey scripts. Fuerst discloses placing the survey scripts on a website for polling by selected groups of people. Fuerst discloses means of broadcasting to the selected group the availability of the survey on the website. Fuerst discloses the automatic tabulation of survey results corresponding to user response. Fuerst also teaches that such data can be manipulated using other analytical tools or computer interfaces. Fuerst does not disclose any method by which the people that respond to the survey would be identified. Fuerst does not disclose that the identification of any responding person would be either desired or beneficial. It would not be obvious to a person of ordinary skill in the art that Fuerst could be adapted to:

- a. provide a means for the persons surveyed to be identified;
- b. provide a means for an identified employee of the service provider be evaluated;
- c. monitor incoming data for changes, trends and thresholds;
- d. reference an information library to extract information associated with the type of data variation and the specific question asked; or
- e. automatically provide a report to the service provider that suggests specific actions to take to improve business operations.

5. I have reviewed U.S. Patent Application 2002/0123925 to Smith. Smith teaches a method of monitoring the performance of call center representatives. Smith does not disclose the service evaluator contacting an evaluation processor, Smith discloses the evaluation processor contacting the service evaluator during a transaction between the service provider and the service evaluator. It would not be obvious to a person of ordinary skill in the art that Smith could be adapted to:

- a. the service evaluator directly contacting the evaluation processor;
- b. the evaluation data including a unique identifier of the service evaluator;
- c. monitoring incoming data for changes, trends and thresholds;
- d. referencing an information library to extract information associated with the type of data variation and the specific question asked; or
- e. automatically provide a report to the service provider that suggests specific actions to take to improve business operations.

6. One of ordinary skill in the art in reading Fuerst and Smith would not see any basis for combining them. They are directed to different purposes. Fuerst is directed toward a method for creating surveys on a website. Smith is directed toward a method for internally evaluating and rewarding the performance of telephone call center agents. Fuerst is directed toward the provision of a number of separate surveys, each of such surveys having an ID number. Smith has knowledge of the identification of the agent in advance, and randomly contacts callers to the call center to evaluate the performance of the employee. Fuerst discloses broadcasting the availability of the survey to random participants, who voluntarily access the website. Smith monitors the performance of employees by telephone survey by

directly contacting the callers. One of ordinary skill in the art would not see any beneficial reason to combine the employee evaluation purpose of Smith with the survey creation system of Fuerst.

The declarer has nothing further to add.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent issued thereon, declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Date of Signature: September 10, 2003

By: Todd F. Seiple
Todd F. Seiple